

REMARKS

Oath / Declaration

The Examiner indicates that Applicant has not complied with the requirements of 37 CFR 1.63(c)(2), since the oath, declaration or application data sheet are said not to acknowledge the filing of any foreign application. In response, and as suggested by the Examiner, enclosed herewith is a substitute Application Data Sheet which specifically claims priority to the parent Mexican case which is cited in within the specification of the pending application.

Objections to the Drawings

Enclosed with the Office Action is a Notice of Draftperson's Patent Drawing Review, wherein Applicants' drawings stand as objected to as failing to comply with 37 CFR 1.84(l) and 37 CFR 1.48(p).

In response, applicant has submitted herewith replacement drawings for Figures 1, 2, and 3 which address the problems noted by the Patent Draftsperson.

AMENDMENTS TO THE SPECIFICATION

The amendment to the specification offered above removes an editorial error that was inadvertently introduced during the drafting of the original application.

AMENDMENTS TO THE CLAIMS

Claim 17 has amended to make clearer the subject matter claimed by the instant inventor. More particularly, this claim as-amended now specifically calls for a remote unitary module that

can decode a specially formatted video signal in order to obtain a changeable list of permitted video channels. This feature is specifically set out in, for example, Figure 17 and does not, as such, constitute new matter.

Claim 30 has similarly been modified to make clearer its subject matter. As is made clearer in the claim as-amended, the preferred embodiment of the instant invention is designed to allow remote modification of a list of permitted video channels within a specific remote module through the use of an individual key. This embodiment is fully disclosed within the specification and, as such, does not constitute new matter.

Claim 37 has been amended to match the wording of Claim 30. These are technical amendments only and, as such, do not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

Claim Objections under 35 USC 103

Claims 17 and 30-36, stand as rejected under 35 USC 103(a) as being unpatentable over Perlman (USPN 6,125,259) in view of Collings (USPN 5,828,402). The instant claims are said to read on the operation of the video blocking apparatus, set-top converter ("STC") 50, in Figure 4 of Perlman. The claimed communications network is said to read on the disclosure of Perlman with respect to the provision of a changeable list of permitted video channel numbers. The Perlman references is further said to include, by virtue of its parental control circuitry, a list of channels permitted to be viewed and the Examiner points specifically to col. 3, lines 51-60, col. 4 lines 5-20, col. 6, lines 9-15, and col. 9, lines 7-15 in support.

In reply, the applicant would point out that neither Perlman nor Collings nor the combination of these two references suggests or teaches the use of one or more video scan lines to transmit a changeable list of permitted video channels to a remote unitary module. More particularly, and as is clearly set out in, for example, Figures 4 and 5, the instant remote module is designed to be controlled at least in part by messages / data that are embedded in a video scan line which is transmitted from the head end to the unitary modules. Of course, the embedded data creates a modified video image but the scan lines selected are not those that would normally be displayed on a video screen.

Note that the method taught by the instant application — i.e., transmitting data from a head-end unit to a remotely situated module by modifying a video scan line and transmitting the modified image — is completely different from other methods utilized in the prior art which transmit information during the vertical blanking interval. In the instant case, the video signal / image is actually modified before transmission, whereas in the prior art / conventional approach, the video signal itself is *not* modified: only non-productive bandwidth during the VBI time is utilized.

With respect to Claim 17, neither Perlman nor Collings individually or in combination teach or even suggest a remote module that contains a CPU that is programmed to extract a list of permitted channels from a video scan line and utilize those in a channel-blocking scheme. Of course, in order for a rejection under Section 103 to be appropriate, there must be some motivation or suggestion *in the prior art* that teaches the claimed invention (*see, e.g., In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992)). In this case, neither cited reference discloses

this limitation. As a consequence, it is believed that this claim as-amended is in condition for allowance.

Which respect to Claim **30**, the foregoing comments are equally applicable. Additionally, neither Perlman nor Collings teaches a method for use with a remote module wherein one or more scan lines containing list of permitted channel numbers and a security key are utilized as part of a channel blocking / unblocking scheme. More particularly, neither cited reference teaches a method wherein a security key is extracted from a video scan line and, if that security key matches the internal assigned security key for that specific remote module, the transmitted list of permitted channels — which are also located within one or more scan lines — is decoded and utilized. This technique is just not suggested elsewhere.

With respect to Claim **31**, all of the foregoing comments are again applicable. Neither Perlman nor Collings alone or in combination teach the use of a user-switchable tuner which is used in conjunction with hardware wherein the list of permitted video channels is received via information embedded in a video scan line. As a consequence, it is believed that this claim, depending as it does from an amended claim which is believed to be in condition for allowance, is similarly allowable.

With respect to Claim **32**, all of the foregoing comments similarly apply. Additionally, neither of the cited references store a plurality of video images in RAM for use as alternative displays within a channel blocking scheme a system that is implemented by transmitting a list of permitted video channels to a remote module within a video scan line.

With respect to Claim **33**, in addition to the arguments presented previously, neither cited reference utilizes a first tuner video signal which emits a baseband signal and a controller video

signal which emits a baseband signal, and which is used in combination with a channel blocking system that is implemented by transmitting a list of permitted video channels to a remote module via a video scan line. As a consequence, it is believed that for all of the foregoing reasons, this claim is in condition for allowance.

With respect to Claims 34 and 36, Collings' RF modulator is not used in conjunction with a channel blocking / unblocking system wherein the list of permitted video channels is transmitted to a remote unit by impressing that list within one or more video scan lines. As a consequence, it is believed that, for all of the above-identified reasons, this claim is similarly in condition for allowance.

Finally, and with respect to Claim 35, in addition to all of the arguments identified above, the claimed video display of this claim differs from that of Collings in that it is used in combination with a video blocking / unblocking system that utilizes data embedded within a video scan line as a method of communicating from the head-end to a remote module. Thus, it is believed that this claim is similarly in condition for allowance.

As a consequence and in view of the foregoing, it is believed that the claims as-modified are in condition for allowance and that the instant rejection should be withdrawn.

Claim Objections under 35 USC 103(a)

Claims 22 and 28-29, and, 37-39, stand as rejected under 35 USC 103(a) as being unpatentable over Perlman (USPN 6,125,259) and Collings (USPN 5,828,402) and further in view of Sprague (USPN 5,247,575). The Examiner acknowledges that Perlman / Collings does not explicitly discuss assigning an individual security key code to each of a plurality of remote

modules. Nevertheless, Sprague, which is said to be directed to transmitting authorization data to subscribers in a video distribution network, The instant claims are said to read on the operation of the video blocking apparatus, set-top converter ("STC") 50, in Figure 4 of Perlman. The claimed communications network is said to read on the disclosure of Perlman with respect to the provision of a changeable list of permitted video channel numbers. The Perlman references is further said to include, by virtue of its parental control circuitry, a list of channels permitted to be viewed and the Examiner points specifically to col. 3, lines 51-60, col. 4 lines 5-20, col. 6, lines 9-15, and col. 9, lines 7-15 in support. .

Applicant respectfully disagrees with the foregoing and would point out that neither Perlman, Collings, nor Sprague — either individually or in combination — suggest or teach the embedding of a security key within an actual scan line of a video image before transmission as is required by Claims 22 and 28-29, and, 37-39. Further, none of these references — alone or in combination — teach a remote module that receives a modified video image and extracts from an actual scan line of that image a security key and additional data / instructions that have been embedded therein.

That is, and as is fully disclosed within the instant application, a major advantage of the preferred method is that it utilizes conventional video broadcast technology to transmit information to a plurality of individually addressable remote units. Further, and unlike Perlman which disables the viewing of specific shows on multiple televisions depending on the MPAA or a similar rating, the remote modules of the instant method are individually addressable from a central source and can be individually customized remotely to allow viewing of any particular time and channel on demand.

As the Examiner has correctly recognized, Sprague teaches that a security code and authorization data may be transmitted within the VBI of a television / video signal or within an FM side band. However, this is *not* what the applicant does. As has been discussed previously, applicant modifies one or more actual scan lines to contain the security / authorization data. The standards for transmitting digital during the VBI are different from those utilized to transmit a conventional video signal. As a consequence, Sprague's method, if applied directly to the video signal, would be inoperative. Indeed, Sprague does not develop his own unique way of transmitting digital information as applicant has done, but instead specifically refers the reader to commercial equipment which is available to transmit digital information as part of the VBI (*see*, for example, column 19, lines 36 through 45). Of course, there is nothing in Sprague's teaching that suggests that his information might be integrated into the video signal itself.

It is fundamental that a rejection under Section 103 is appropriate only if there is some suggestion or motivation *in the prior art* that teaches the combination relied upon:

The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. **There must be some reason, suggestion, or motivation found in the prior art** whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.

In re Oetiker, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992) (emphasis added). *Accord*:

Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc., 30 USPQ 2d 1377, 1379-80 (Fed. Cir. 1994):

There is just no art known to applicant that teaches that information might be sent over a video network by modifying a scan line of a video image and, further, that such a transmission

can be specifically targeted to a specific remote unitary module, again by modification the video signal within a predetermined video scan line.

Thus, with respect to Claim **22** and **37**, all of the foregoing comments apply. Neither Portman, Collings, nor Sprague, either alone or in combination, teach a method or apparatus for transmitting a list of permitted channel numbers over a communications conduit, wherein the channel information is made a part of a modified scan line. Further, none of these references discloses or teaches an inventive concept that is based on the notion of embedding a security key within a video scan line for transmission from a head-end to a remote unitary module. As a consequence, and in view of the foregoing comments, it is believed that Claims **22** and **37** as amended are in condition for allowance and that the instant rejection should be withdrawn.

With respect to Claim **28**, all of the foregoing comments apply with equal force. Applicant does not object to the Examiner's assertion that it was known as of the date of the filing of this case that the first scan line of a video image could be sensed. However, that is a far cry from the technology of instant invention, wherein a predetermined scan line (preferably the first scan line) is utilized — not for conventional viewing — but rather for encoding and transmission of digital security information. There is no reference known to applicant nor cited by the Examiner wherein a predetermined scan line is utilized as a way of transmitting a list of permitted video channels and/or a security key to a remote unitary module that is under the control of a central unit. Further, there is no known prior art that utilizes remote modules that are individually addressable across a communications conduit and which contain changeable lists of permitted video channels which may be updated by way of data transmitted within the standard video stream. As a consequence, and in spite of the Examiner's Official Notice, the subject

matter of Claim 28 is not suggested or taught by the art and Claim 28 is believed to be allowable over the prior art.

With respect to Claim 29, all of the foregoing points apply. Further, there is no suggestion or teaching in the cited prior art that a non-visible video scan line might be utilized to transmit permitted channel numbers and/or a security key from a head end to a remote module.

As a consequence, it is believed that Claim 29 is in condition for allowance.

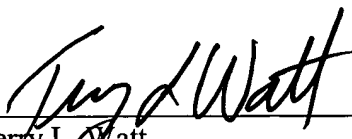
With respect to Claims 37 – 39, all of the foregoing comments are equally applicable to these claims. Additionally, it should be noted and remembered that, although the transmission of security keys to remote modules is known in the prior art, transmission of such a key as part of a modified video image (i.e., embedded within a conventional video scan line) is heretofore unknown. Further, since these claims depend from Claim 30, the comments offered previously in connection with that claim are also applicable. As a consequence, it is believed that the rejection of these claims should be withdrawn and the claims allowed to issue.

Thus, in view of the foregoing it is believed that a rejection under Section 103 of Claims 22 and 28-29, and, 37-39 is inappropriate and should be withdrawn.

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In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. The claims as-filed are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,

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